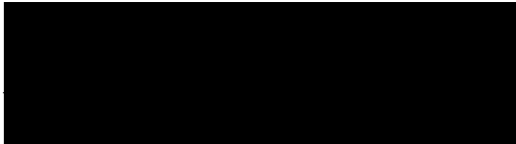




U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D. C. 20536



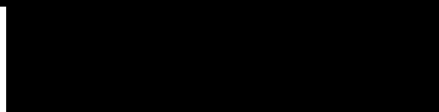
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FILE: [REDACTED] Office: Los Angeles

Date:

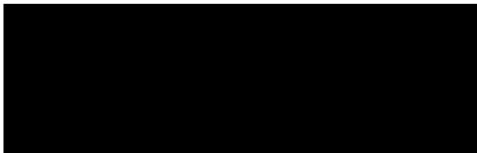
DEC 5 2000

IN RE: Obligor:  
Bonded Alien:



IMMIGRATION BOND: Bond Conditioned for Voluntary Departure under § 240B of the  
Immigration and Nationality Act, 8 U.S.C. 1230B

IN BEHALF OF OBLIGOR:



INSTRUCTIONS:

Public Copy

identifying data placed to  
prevent clearly unwarranted  
invasion of personal privacy

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

*[Signature]*

Mary C. Mulrean, Acting Director  
Administrative Appeals Office

**DISCUSSION:** The voluntary departure bond in this matter was declared breached by the District Director, Los Angeles, California, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The record indicates that on March 5, 1999 the obligor posted a \$500 bond for the voluntary departure of the above referenced alien. The applicant was present in the United States without a lawful admission or parole on January 1, 1980. On March 1, 1999, an immigration judge denied the applicant's request for cancellation of removal and granted the applicant voluntary departure until May 1, 1999 in lieu of removal. The applicant's appeal to the Board of Immigration Appeals (the Board) filed on April 5, 1999 was dismissed as being untimely. Motions to reconsider were filed with the Board on October 12, 1999 and on May 12, 2000 and were denied. On July 14, 1999, the Board determined that the decision of the immigration judge was final. On June 15, 2000, the obligor filed a petition for review with the 9th Circuit Court of Appeals which is still pending. The record is devoid of evidence that the bonded alien has departed by the date indicated by the immigration judge. On July 31, 2000, the district director declared the bond breached.

On appeal, the obligor only provides evidence that the bond was posted.

8 C.F.R. 240.26(c)(iii)(3) provides that, in order for the voluntary departure bond to be cancelled, the alien must provide proof of departure to the district director.

8 C.F.R. 240.26(b)(ii)(3) provides that a voluntary departure bond is violated if the obligor/alien fails to provide proof that the bonded alien has departed the United States within the time specified.

The record reflects that the alien was required to depart from the United States on or before May 1, 1999 and he failed to do so. No satisfactory evidence has been introduced into the record to establish he made a timely departure.

After a careful review of the record, it is concluded that the conditions of the bond have been substantially violated, and the collateral has been forfeited. The decision of the district director will not be disturbed.

**ORDER:** The appeal is dismissed.